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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,335	02/14/2002	Yvonne Watters Booth	AUS920010775US1	1983

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EXAMINER	
APPIAH, CHARLES NANA	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,335	BOOTH ET AL.	
	Examiner	Art Unit	
	Charles N. Appiah	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-9,11,12,21and 23- 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9,11,12,21 and 23-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 22 and 28 (canceled) is withdrawn in view of the newly discovered reference(s) to overcome the indicated allowable subject matter. Rejections based on the newly cited reference(s) follow.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 7-9, 11, 12, 21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3, 7-9, 11, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. (5,638,423) in view of Gould et al. (6,756,917).

Regarding claims 1, 9 and 24 Grube discloses a method, a system for determining an electronic device within a wide area network, and a machine readable medium having a plurality of instructions when executed cause the machine to perform a method for determining a position of an electronic device within a wide area network, the method comprising: distributing a tracing tool to a first network element within the wide area network (provision of proximity user card with the communication unit, see col. 1, lines 55-57), detecting a physical separation of the electronic device and an associated user (message being sent to the central controller when the distance

between the proximity card and the communication unit exceeds a predetermined value, col. 1, lines 59-64), determining identifying indicia of the electronic device, wherein the identifying indicia are automatically transmitted the electronic device during communication between the electronic device and a second network element of the wide area network (proximity card transmitting user identification over a second RF communication path to the communication unit, col. 1, lines 57-59), monitoring traffic on the wide area network utilizing the tracing tool wherein the monitoring comprises intercepting of the communication between the electronic device and the second network element including the identifying indicia in response to the physical separation (proximity message being set when a response is not received from proximity card and sent to central controller, see col. 3, lines 26-48), and determining a physical position of the electronic device within the wide area network in response to an interception of the identifying indicia (central controller determining the location of the communication unit, such that the unit may be reclaimed and the person in possession apprehended, see col. 3, lines 48-54). Grube fails to explicitly teach wherein determining the physical position of the electronic device comprises transmitting a link tracing message between the electronic device and the first network element, identifying a network element coupled between the electronic device and the first network element in response to a transmission of the link tracing message, and determining the physical position of the electronic device utilizing the network element coupled between the electronic device and the first network element.

In analogous field of endeavor, Gould discloses a system and method that employ wireless telecommunications technology and location information of a wireless device to locate and recover stolen vehicles or valuable objects (see abstract, col. 2, lines 45-51). According to Gould, a theft monitoring center may initiate a call to a theft detection device installed on a vehicle and request a position of the stolen vehicle to be determined wherein based on an established connection between the theft detection device and a base station of the wireless telephone network, and an MSC of the network forwards a location request to a location processor, which determines the location of position of the missing or stolen device or vehicle in terms of a street address from calculated geographical coordinates (see col. 2, lines 5-58, col. 7, line 51 to col. 8, line 13 and col. 10, lines).

It would therefore have been obvious to one of ordinary skill in the art to provide Gould's location detection system with Grube in order to facilitate the quick recovery of lost or stolen precious properties of value as taught by Gould.

Regarding claims 3, 11 and 26, Grube further discloses wherein determining the identifying indicia of the electronic device comprises: identifying data transmitted by the electronic device prior to the physical separation utilizing a portion of the wide area network, and by extracting the identifying indicia from data transmitted by the electronic device prior to the physical separation (see col. 2, lines 39-55).

Regarding claim 7, Grube further discloses the method comprises causing data specifying the identifying indicia to be stored within a database associated with the first network element prior to the physical separation (see col. 2, lines 12-27), and

determining the identifying indicia of the electronic device comprises determining the identifying indicia utilizing the database (see col. 2, line 62 to col. 3, line 10).

Regarding claim 8, Grube further discloses generating a notification indicating the physical position of the electronic device for a responsible party associated with the electronic device (system manager being informed by central controller of the proximity message, col. 3, lines 38-45).

6. Claims 2, 4, 5, 12, 21, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. as applied to claims 1, 9 and 24 above, and further in view of Cotichini et al. (6,300,863).

Regarding claims 2, 21, 23 and 25, Grube as modified by Gould fail to explicitly teach the distributing further comprises distributing the tracing tool to a plurality of network elements within the wide area network the elements being a plurality of IP routers within the wide area network and the monitoring server is distributed among a plurality of network elements within the wide area network.

Cotichini discloses a method for monitoring and locating an electronic device over a global network in which IP routers and a monitoring server are used in monitoring for lost, stolen or missing electronic devices (see Fig. 1, col. 8, lines 12 and col. 16, lines 65).

It would therefore have been obvious to one of ordinary skill in the art to combine Cotichini's monitoring system with Grube as modified by Gould's, unauthorized access prevention system in order to locate a wide variety of missing or lost electronic

devices such as portable computers, PDAs, PCs and cellular telephones as taught by Cotichini (see col. 2, lines 26-34).

Regarding claims 4, 12, and 27, Grube as modified by Gould fail to explicitly teach wherein determining the identifying indicia of the electronic device comprises determining a MAC address of the electronic device.

In an analogous filed of endeavor, Cotichini discloses a method for monitoring and locating an electronic device over a global network in which the indicia which is the MAC address of the electronic device is used in identifying the electronic device (see col. 16, lines 37-42).

It would therefore have been obvious to one of ordinary skill in the art to combine Cotichini's monitoring system with Grube and Gould's, unauthorized access prevention system in order to locate a wide variety of missing or lost electronic devices such as portable computers, PDAs, PCs and cellular telephones as taught by Cotichini (see col. 2, lines 26-34).

Regarding claim 5, Grube and Gould fail to disclose that determining the identifying indicia of the electronic device comprises determining the identifying indicia utilizing at least one of host name and an IP address within data transmitted by the electronic device prior to the physical separation utilizing a portion of the wide area network.

Contichini further discloses wherein the identifying indicia is determined by utilizing host name or IP address of the electronic device contained within data

transmitted by the electronic device prior to the physical separation utilizing a portion of the wide area network (see col. 11, lines 51-64).

It would therefore have been obvious to one of ordinary skill in the art to combine Cotichini's monitoring system with Grube and Gould's, unauthorized access prevention system in order to locate a wide variety of missing or lost electronic devices such as portable computers, PDAs, PCs and cellular telephones as taught by Cotichini (see col. 2, lines 26-34).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Isikoff (5,748,084) discloses an object tracking system for a laptop computer.

Klein (5,936,526) discloses an apparatus for generating an alarm when it is determined that a portable computer system is either stolen or missing.

Cromer et al. (6,954,147) discloses a method for providing protection against theft and loss of a portable computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

CHARLES APPIAH
PRIMARY EXAMINER